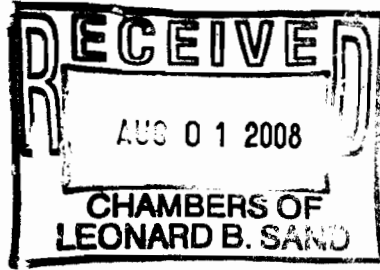


MEMO ENDORSED

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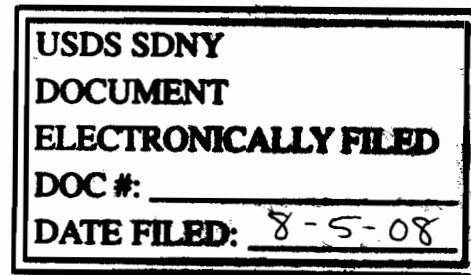
FAX: 212-407-7799

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July 31, 2008

BY HAND

Hon. Leonard B. Sand
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1650
New York, New York 10007



Re: Lorusso v. Alitalia Linee Aeree Italiane, SpA; 07 Civ. 3583 (LBS)(RLE)

Your Honor:

We represent defendant Alitalia Linee Aeree Italiane, SpA, in the above action and write, together with counsel for the plaintiff, Ester Lorusso, in order to convey to the Court certain deadlines that we have agreed upon, pursuant to the Court's directive at the June 23 oral argument on defendant's motion for summary judgment in the above matter.

At that argument, the Court directed that the defendant depose nonparty Gabrielle Mariotti on the subject matter of the affidavit dated May 28, 2008 that he provided to plaintiff's counsel, which was filed in opposition to defendant's motion for summary judgment. The court further directed that the parties submit supplemental briefs addressing any factual issues raised by Mr. Mariotti's deposition and considering the impact, if any, of the Supreme Court's recent decision of *Meacham v. Knolls Atomic Power Lab.*, 128 S. Ct. 2395 (2008), on the legal issues in this matter.

We have been unable to schedule the deposition of Mr. Mariotti for any date prior to early September because of his travel schedule and that of his counsel, and so we propose the following schedule:

- September 3: Deposition of Gabrielle Mariotti regarding issues raised in his affidavit;
- September 22: Parties to serve and file supplemental briefs by 12:00 noon; and
- September 25: Oral argument to be held at 2:15 p.m.

MEMO ENDORSED

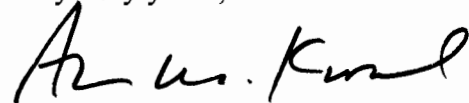
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Hon. Leonard B. Sand
July 31, 2008
Page 2

If this schedule is satisfactory to the Court, we ask that it be So Ordered and submitted to the clerk for entry into the docket.

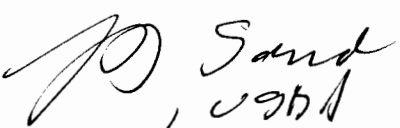
We thank the Court in advance for its consideration in this matter.

Very truly yours,



Alan M. Koral

cc: Robert W. Ottinger, Esq. (by electronic mail)

So ordered

8/5/08

MEMO ENDORSED